

## REMARKS/ARGUMENTS

The applicants have studied the office action mailed July 3, 2008, and have made the changes believed appropriate to place the application in condition for allowance.

Reconsideration and reexamination are respectfully requested.

The Applicants thank the Examiner for the courtesy of a telephone interview granted April 22, 2008. It is believed that the Examiner's Interview Summary provides a complete and proper recordation of the substance of the interview. If the Examiner deems the record to not be complete or accurate, the Examiner is respectfully requested to contact the undersigned and provide an opportunity to supplement or correct the record if needed.

Claims 8 and 11 have been rewritten in dependent form. It is therefore respectfully submitted that the objection to claims 8 and 11 should be withdrawn.

Claims 8 and 11 were amended in this Amendment to facilitate expeditious prosecution of the pending claims. Applicant respectfully reserves the right to pursue the original claims and additional claims in one or more continuing applications.

It is respectfully submitted that these amendments will not require a new search or raise new issues for consideration by the Examiner. It is submitted that these amendments place the claims in better form for appeal. These amendments were not presented earlier because they were deemed appropriate to advance prosecution after receipt of the latest Office Action. The Examiner is therefore respectfully requested to enter and consider these amendments after the final rejection.

Claim 1 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Schober (US 7,237,016) in view of DeKoning et al. (hereinafter DeKoning) (US 6,457,098). Claims 2-7, and 9-10, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schober in view of DeKoning, and further in view of Ben-Shachar et al. (hereinafter Ben- Schachar) (US 2001/0010053). These rejections are respectfully traversed.

Claim 1 is directed to a "method comprising: attempting in a first attempt to acquire a first resource for a task requiring both a first resource and a second resource; enqueueing said task on a first queue if said first attempt to acquire said first resource for said task fails; acquiring in a second attempt said first resource for said task; removing said task from said first queue; attempting in a first attempt to acquire said second resource for said task; enqueueing said task on a

second queue if said first attempt to acquire said second resource for said task fails; and releasing said first resource for said task if said first attempt to acquire said second resource for said task fails.” The Examiner has conceded that “Schober is silent in acquiring in a second attempt said first resource for said task and releasing said first resource for said task if said first attempt to acquire said second resource for said task fails.” It is respectfully submitted that the deficiencies of the Examiner’s citations to the Schober reference are not met by the Examiner’s citations to the DeKoning reference.

It appears to be the Examiner’s position that the DeKoning reference teaching a system having a first controller 118.1 which the Examiner has identified as a “first resource”, wherein the system has a second controller 118.2 which the Examiner has identified as a “second resource.” It is further the Examiner’s position that “[i]f the first resource [that is the primary controller 118.1] is successfully acquired but the second resource [that is the secondary controller 118.2] has failed, the first resource [that is the primary controller 118.1] performs the release [of the primary controller 118.1] and the system can start over again with another attempt until the first resource [that is the primary controller 118.1] is successfully acquired, followed by successfully acquiring the second resource [that is the secondary controller 118.2].” It is respectfully submitted that the Examiner’s position fails to provide a prima facie case of obviousness.

More specifically, the Examiner has failed to explain what is meant by the primary controller 118.1 being “successfully acquired.” Acquired by what and for what purpose?

It is the Examiner’s position that “successfully acquired” means “not a failure”:

As pertaining to the reference of DeKoning, the meaning of "successfully acquired" is not a failure. A "failure" vs. being "successfully acquired" are opposites of each other.

It is respectfully submitted that a processor experiencing “not a failure” does not meet the recited requirement for a resource to be acquired for a task. It is respectfully submitted that it makes no sense to refer to a processor or other resource acquiring itself.

Similarly, the Examiner has failed to explain what is meant by the primary controller 118.1 releasing *itself*. It is respectfully submitted that it makes no sense to refer to a processor releasing itself if another processor fails. Indeed, the DeKoning reference states that the

“primary controller may force the release of the *semaphore* ...” (DeKoning, col. 14, lines 63 et seq.) not the primary controller itself.

It is respectfully submitted that the deficiencies of the Examiner’s citations to the Schober and DeKoning references are not met by the Examiner’s citations to the Ben- Schachar reference.

The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art. It is therefore respectfully submitted that the rejection of the claims should be withdrawn.

The Examiner has made various comments concerning the obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner’s comments are deemed moot in view of the above response.

#### Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

Dated: September 3, 2008

By: /William Konrad/  
William K. Konrad  
Registration No. 28,868

Please direct all correspondences to:

William K. Konrad  
Konrad Raynes & Victor, LLP  
315 South Beverly Drive, Ste. 210  
Beverly Hills, CA 90212  
Tel: (310) 553-7970  
Fax: 310-556-7984